

<p style="text-align: center;"><b>STATE OF IOWA</b> <b>DEPARTMENT OF CORRECTIONS</b></p> <p style="text-align: center;"><b>POLICY</b> <b>AND PROCEDURES</b></p>		Policy Number AD-GA-23	Applicability <input checked="" type="checkbox"/> DOC <input checked="" type="checkbox"/> CBC
		Policy Code Public Access	Iowa Code Reference N/A
Chapter 1 ADMINISTRATION & MANAGEMENT	Sub Chapter GENERAL ADMINISTRATION	Related DOC Policies AD-GA-01 IO-RD-01 IO-RD-02 IO-RD-03 WR/OWI-38	Administrative Code Reference N/A
Subject RACIAL DISPARITY		ACA Standards N/A	Responsibility William Sperfslage Robin Bagby
		Effective Date February 2020	Authority Beth Skinner Director Signature on file at Iowa DOC

## I. PURPOSE

The purpose of this policy is to address issues of disparity and to ensure respect and fair treatment by implementing correctional procedures and practices that rely on equitable and relevant criteria rather than on the basis of an individual's identity.

## II. POLICY

It is the policy of the Iowa Department of Corrections (DOC), both for Institutions and Community Based Corrections (CBC) to respond to and mitigate racial disparities so as to practice fair and equitable distribution of benefits and burdens in the assignment of incarcerated individuals/clients to custody levels, institutional/residential jobs, vocational program opportunities, preparation and support for parole/work release and community based supervision and

programming. It is the responsibility of the department to provide an environment for incarcerated individuals/clients that is free from harassment or disparate treatment based on their race, color, or national origin. Moreover, it is our policy that any administrative processes associated with custody and classification, discipline and grievances are conducted fairly, and that decisions are not influenced by stereotypes or bias based on race, color or national origin. The Department shall provide ongoing staff education and training, monitoring, and auditing systems to provide continuous quality improvement and compliance with all provisions of this policy. Likewise, the Department shall develop programs to help incarcerated individuals/clients work and live together regardless of their identity and backgrounds. The goal is to deliver supportive services based on equality and respect for all individuals. All DOC/CBC staff, volunteers and contractors shall adhere to this policy.

### **III. DEFINITIONS**

- A. Classification - A comprehensive process of an incarcerated individual/client assessment, placement, and management designed to optimize public safety, allows the most efficient use of correctional resources, optimize safe and orderly operations, and addresses incarcerated individual/client needs.
- B. Custody Level - An assessment of an incarcerated individuals/clients threat to institutional safety and security that determines the level of supervision, circumstances of program or job assignment(s), and the requirements for escort and restraints during movement inside as well as outside the institution/facility.
- C. Grievance Process - A formal written complainant process using established procedures in **IS-OR-06**, *Incarcerated Individuals/Client Grievance Procedures*, filed by an incarcerated individual/client.
- D. Discipline - System for governing an incarcerated individual/client conduct that specifies prohibited acts and the penalties that may be imposed, if institutional or CBC rules are violated.
- E. Institutional/Residential Job - Assignment of an incarcerated individual/client to a particular work or task for which he/she is compensated monetarily or otherwise, or is not compensated in any way.
- F. Racial Disparity - Disparate treatment influenced by stereotypes or bias based on race, color or national origin.

#### **IV. PROCEDURES**

- A. Leadership in Central Office, Institutions, and CBC shall be responsible for ensuring that this Racial Disparity Policy is fully and consistently implemented.
- B. Periodic aggregate and individual case reviews shall be made by the Diversity/Disparity Advisory Board, to ensure that policies are implemented in a manner that does not result in disparate treatment or effects based on race, color or national origin. These reviews shall strive to minimize and discourage that one group of incarcerated individuals/clients does not bear a disproportionate burden in the areas outlined in this policy.
- C. Classification
  - 1. Each incarcerated individual/client under the custody or purview of the Department shall be classified/assessed to the most appropriate assignment for security supervision, and re-entry/treatment needs to promote safety and security and to prepare the individual for success in the community.
  - 2. The classification system shall consider objective risk factors associated with future conduct and management, and thus, help to identify the types and level of risk likely to be presented by the incarcerated individual/client.
  - 3. The classification methods employed should aim to eliminate disparities based on race, color and national origin. Thus, factors to be considered and reviewed may include, but are not limited to:
    - a. The individual's current and prior criminal history,
    - b. Escape history,
    - c. History of disciplinary behavior,
    - d. Demonstrated current involvement with a security threat group,
    - e. Current age.
  - 4. When monitoring procedures outlined in this policy identify disparities in the incarcerated individual/client classification process,

steps shall be taken to mitigate those disparities as much as possible without negatively impacting safety and security.

D. Housing Assignments

Assignment of an incarcerated individual/client to an institution or residential facility, shall be made on the basis of criteria that is validated and dynamic, and reflects an incarcerated individual's/client's security and custody levels, as well as any special need (e.g., medical, mental health, physical health, ability, safety, etc.)

E. Work Assignments

1. All incarcerated individual/client job assignments shall be made consistent with the need to promote racial equality.
2. The process of assigning incarcerated individuals/clients to jobs shall rely on objective criteria that takes into consideration their abilities and rehabilitative/re-entry needs as well as any risk to safety and security.
3. Consideration shall be given to the skills needed for jobs, including, but not limited to, academic level, and vocational skills, in addition to physical and medical requirements.
4. Job assignments shall include a variety of work that affords incarcerated individuals/clients an opportunity to earn wages, learn job skills, develop good work habits, and/or foster positive attitudes that may be applied after release. These opportunities may include: community based work opportunities, correctional industries, institutional maintenance, institutional support, public works, and work in the community based upon eligibility requirements.

F. Program Assignments

1. All program assignments shall be made in accordance with the needs of incarcerated individuals/clients, the programs, and the facility. The assignments shall further be based on reasonable, objective criteria that reflect incarcerated individual's/client's abilities and security/risk levels.
2. Assignments shall be made on identified criteria that are relevant to the program.

3. Assignment of an incarcerated individual/client to a specific program shall be based on a current objective assessment of the incarcerated individual's/client's rehabilitative/re-entry needs, risks, and the specific goals of the program or service.
4. While risk to safety and security as well as an incarcerated individual's/client's medical and mental health needs may direct the structure and/or setting for the program delivery, all program assignments shall be made in accordance with individual and program needs, and tailored, to the extent possible, to enable the participation of a diverse group of incarcerated individuals/clients.

#### G. Discipline

1. The IDOC provides for the orderly conduct of incarcerated individuals/clients through the Disciplinary processes established in IDOC Policies **IO-RD-01**, *Overview and Philosophy of Incarcerated Individual/Client Discipline*, **IO-RD-02**, *Informal Corrective Action and Minor Disciplinary Reports*, **IO-RD-03**, *Major Discipline Report Procedures*, and **WR/OWI-38** *Rule Violations, Disciplinary Process, Time Loss and Appeals* which define acts of misconduct, the process for adjudicating allegations of misconduct, and the sanctions for misconduct.
2. Disciplinary actions are based on credible evidence of misconduct, and shall be timely, impartial and consistent across all incarcerated individuals/clients.
3. Sanctions are proportionate to the severity of the offense and the incarcerated individual's/client's disciplinary record.
4. Disciplinary actions are intended to change behavior, teach consequence(s) of the misconduct, enforce staff authority, and maintain safety, security, and order. Disciplinary rules aim to generate a climate of respect among both staff and incarcerated individuals/clients.

#### H. Grievances

1. It is the Department's policy to maintain a written grievance process that is available to all incarcerated individuals/clients without regard to their race, color or national origin.

2. All incarcerated individuals/clients shall have the opportunity to attempt to resolve issues and/or incidents in an informal setting prior to utilizing the formal grievance process as well as access to appeal.
3. All incarcerated individuals/clients are entitled to invoke this grievance procedure for a broad range of complaints including, but not limited to:
  - a. Policies and procedures that affect the incarcerated individual/client;
  - b. Actions by employees, volunteers, contract employees and/or other incarcerated individuals/clients;
  - c. Incidents or conditions occurring within the corrections system that affect the incarcerated individual/client personally; and/or
  - d. Issues relating to health care and other concerns.
4. All grievances shall be processed and reviewed according to the written grievance procedures as outlined in IDOC Policy **IO-OR-06**, *Incarcerated Individual/Client Grievance Procedures or local policy for CBC*.
5. The Diversity/Disparity Committee shall periodically review all incarcerated individual/client grievances considered to be discriminatory due to race, color, or national origin to minimize and address immediately, any known disparate treatment occurring based on the identity of the incarcerated individual/client.

#### I. Monitoring

1. IDOC will ensure all new employees read and understand the disparity policy as well as complete annual diversity training as assigned by institution and CBC guidelines. This includes tracking and addressing compliance with the components delineated in this policy regarding the racial categories of: White, African American, Hispanic, Asian, and Other. Each Warden and District Director will yearly compile the following data and provide its contents to the respective Deputy Directors.

2. The following data will be compiled each fiscal year on incarcerated individuals served to review (a thru g provided by Dashboard/Central Office Research (exception d: IPI Apprenticeship)):
  - a. Classification: Distribution of incarcerated individuals/clients by race for custody classification, administrative segregation and protective custody status, Iowa Risk Revised levels, Iowa Risk Revised overrides, Institution admission types (i.e. probation/parole/work release/special sentence revocations), Institution releases by closure types (i.e. parole/work release granted, etc.).
  - b. Work Assignments: Distribution of incarcerated individuals by race and state-wide work assignment categories (ALL) within the institution/facility.
  - c. Intervention Programs/Intervention Assignments: Distribution of incarcerated individuals by race per core program interventions (i.e. waiting/started/closed interventions) provided at the institution/facility.
  - d. Educational Services: Distribution of incarcerated individuals/clients by race per highest education level at the institution/district. IPI Apprenticeship numbers provided by IPI.
  - e. Discipline: Total number of disciplinary reports (hearing held and pled guilty) broken out by race and type of infraction by institution/district.
  - f. Grievances: Total number of formal grievances submitted; and broken out by race and grievance type, i.e., property, food services, commissary, medical, etc. (provided by ATG)
  - g. Violations: Total number of revocations to prison by technical violations vs. new arrests by race. Total number on electronic monitoring by race.
  - h. Training and Development: Number of staff, contractors and volunteers who completed the diversity training prior to independently commencing a job assignment. Number of employees, contractors, and volunteers who signed off on the policy during the intake/orientation. Number of staff who completed the annual diversity training as required.

3. If the components data suggests racial disparity a review of its practices shall be done by the Deputy Directors and their respective Directors/Wardens to assess potential disparities, and if racial disparity is identified, a compliance report shall include an action plan to address and eliminate the disparity.

J. Review

The State-wide Diversity/Disparity Advisory Board shall conduct an annual department-wide review of compliance with the respective components of this policy.